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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CONSOLIDATED GOLDEN QUAIL  
RESOURCES, LTD., BEVERLY  
WIGGLESWORTH, and JAMES WAYNE  
COLE,

Petitioners,

v.

UNITED STATES OF AMERICA, UNITED  
STATES DEPARTMENT OF INTERIOR, and  
BUREAU OF LAND MANAGEMENT,

Respondents.

Case No. 2:11-CV-01853-PMP-RJJ

**JOINT MOTION TO ESTABLISH BRIEFING SCHEDULE**

Pursuant to Local Rule 16-1(c)(1), plaintiffs Consolidated Golden Quail Resources, Ltd.,  
Beverly Wigglesworth, and James Wayne Cole, and defendants United States of America, United

1 States Department of the Interior, and the Bureau of Land Management, jointly move for entry of  
2 the following order, that:

3 This action is filed pursuant to and is governed by the Administrative Procedure Act, 5  
4 U.S.C. §§ 701-706, therefore:

5 1. Within fourteen (14) days defendants shall file with the Court in non-  
6 electronic form one copy of the administrative record for the decision in  
7 *Consolidated Golden Quail Resources, Ltd., et al.*, (IBLA 2010-47), 179 IBLA  
8 309, 2010 WL 4226885 (I.B.L.A.)(July 19, 2010),

9 2. Within sixty (60) days of the filing of the administrative record,  
10 plaintiffs shall file their principle brief, in the form of a motion for summary  
11 judgment,

12 3. Within sixty (60) days of the filing of plaintiffs' brief, defendants shall  
13 file a brief in opposition which will be deemed a cross-motion for summary  
14 judgment, and

15 4. Plaintiffs may file a reply to defendants' opposition no later thirty (30)  
16 days after service of defendants' opposition.

17 In support of the above motion, plaintiffs and defendants show:

18 1. Plaintiffs in this action seek judicial review of the decision in *Consolidated Golden*  
19 *Quail Resources, Ltd., et al.*, (IBLA 2010-47), 179 IBLA 309, 2010 WL 4226885 (I.B.L.A.)(July  
20 19, 2010), that three unpatented mining claims owned by the plaintiffs were forfeited by operation  
21 of 30 U.S.C. § 28i for failure to pay by September 1, 2009, for assessment year 2010 the annual  
22 maintenance fee (\$140) required by 30 U.S.C. § 28f for each of the three claims. Plaintiffs and  
23 defendants agree that the scope of the Court's review of that decision is governed by 5 U.S.C. §§  
24 701-706, that no discovery is required in this action, and that it may proceed on a review of the  
25 administrative record for the decision in *Consolidated Golden Quail Resources, Ltd., et al.*, (IBLA  
26

1 2010-47), 179 IBLA 309, 2010 WL 4226885 (I.B.L.A.)(July 19, 2010).

2 2. Defendants have provided plaintiffs with a copy of the administrative record for the  
3 *Consolidated Golden Quail Resources, Ltd., et al.*, (IBLA 2010-47), 179 IBLA 309, 2010 WL  
4 4226885 (I.B.L.A.)(July 19, 2010), decision. Plaintiffs agree that this record is adequate for  
5 purposes of this action, and that they do request the addition of any additional documents to that  
6 record.

7 Dated this 19<sup>th</sup> day of March 2012.

8  
9 Respectfully submitted,

10 /s/ Michael H. Singer  
11 MICHAEL H. SINGER  
MICHAEL H. SINGER, LTD.

12 Attorney for Plaintiffs


13  
14 DANIEL G. BOGDEN  
United States Attorney

15 BLAINE T. WELSH  
16 Assistant United States Attorney

17 /s/ Dean K. Dunsmore  
18 DEAN K. DUNSMORE  
Environment & Natural Resources Division  
U.S. Department of Justice

19 Attorneys for Defendants

20  
21 IT IS SO ORDERED:

22  
23   
24 UNITED STATES DISTRICT COURT VTCVG JUDGE

25 DATED: March 29, 2012